

# Senate File 458 - Introduced

SENATE FILE \_\_\_\_\_  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO SF 292)

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act relating to under legal age consumption or possession of  
2 an alcoholic beverage on certain property, and providing  
3 penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 2293SV 82  
6 jm/je/5

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1 1 Section 1. NEW SECTION. 123.47C UNDER LEGAL AGE  
1 2 CONSUMPTION OR POSSESSION OF AN ALCOHOLIC BEVERAGE ON CERTAIN  
1 3 REAL PROPERTY == PENALTY == LIABILITY.  
1 4 1. As used in this section:  
1 5 a. "Control" means any form of dominion including  
1 6 ownership, tenancy, or other possessory right.  
1 7 b. "Emergency responders" means the same as section  
1 8 100B.21.  
1 9 c. "Enforcement services" means the salaries and benefits  
1 10 of emergency responders for the amount of time actually spent  
1 11 responding to or remaining at a house party and administrative  
1 12 costs attributable to the incident; the actual costs for  
1 13 medical treatment for any injured emergency responder; and the  
1 14 costs of repairing any damage to equipment or vehicles.  
1 15 d. "House party" means a social gathering at a residence.  
1 16 e. "Residence" means a hotel or motel room, home, yard,  
1 17 apartment, condominium, or other dwelling unit, hall, or  
1 18 meeting room.  
1 19 2. A person who is in control of a residence that is not a  
1 20 licensed premises, shall not knowingly permit a house party to  
1 21 occur or continue to occur at the residence if a person who is  
1 22 under legal age is consuming or possessing an alcoholic  
1 23 beverage on such property.  
1 24 3. The fact that a person having control of a residence is  
1 25 present at the residence during the time a person under legal  
1 26 age consumes or possesses an alcoholic beverage, shall be  
1 27 considered prima facie evidence the person had knowledge the  
1 28 person under legal age consumed or possessed an alcoholic  
1 29 beverage on the property.  
1 30 4. A person having control of a residence who violates  
1 31 this section commits a simple misdemeanor punishable by a  
1 32 scheduled fine under section 805.8C, subsection 8.  
1 33 5. If a violation of this section occurs the person having  
1 34 control of the residence shall be civilly liable for the cost  
1 35 of providing enforcement services during a second or follow-up  
2 1 response by emergency responders after a warning has been  
2 2 given to the person in control of the residence.  
2 3 6. The state or a political subdivision does not waive its  
2 4 right to seek reimbursement of enforcement services if a  
2 5 criminal prosecution arises out of a violation of this  
2 6 section.  
2 7 7. This section does not apply to circumstances described  
2 8 in section 123.47, subsection 2.  
2 9 Sec. 2. Section 805.8C, Code 2007, is amended by adding  
2 10 the following new subsection:  
2 11 NEW SUBSECTION. 8. ALCOHOLIC BEVERAGE VIOLATIONS BY  
2 12 PERSONS IN CONTROL OF RESIDENCE. For violations of section  
2 13 123.47C, the scheduled fine is two hundred dollars.  
2 14 EXPLANATION  
2 15 This bill relates to under legal age consumption or  
2 16 possession of an alcoholic beverage on certain property.  
2 17 The bill provides that a person who is in control of a

2 18 residence that is not a licensed premises shall not knowingly  
2 19 permit an under legal age person to consume or possess an  
2 20 alcoholic beverage on such property.  
2 21 Under the bill, a person having control of a residence who  
2 22 is present at the residence during the time a person under  
2 23 legal age consumes or possesses an alcoholic beverage is prima  
2 24 facie evidence the person had knowledge the under legal age  
2 25 person consumed or possessed an alcoholic beverage on the  
2 26 property.  
2 27 The bill defines "control" to mean any form of dominion  
2 28 including ownership, tenancy, or other possessory right.  
2 29 The bill defines "residence" to mean a hotel or motel room,  
2 30 home, yard, apartment, condominium, or other dwelling unit,  
2 31 hall, or meeting room.  
2 32 A person having control of a residence who violates the  
2 33 bill commits a simple misdemeanor punishable by a scheduled  
2 34 fine in the amount of \$200.  
2 35 In addition, if a violation of the bill occurs the person  
3 1 having control of the residence shall be civilly liable for  
3 2 the cost of providing enforcement services during a second or  
3 3 follow-up response by emergency responders after a warning has  
3 4 been given to the person in control of the residence.  
3 5 The bill defines "enforcement services" to mean the  
3 6 salaries and benefits of emergency responders for the amount  
3 7 of time actually spent responding to or remaining at a  
3 8 residence and administrative costs attributable to the  
3 9 incident, the actual costs for medical treatment for any  
3 10 injured emergency responder, and the costs of repairing any  
3 11 damage to equipment or vehicles.  
3 12 The bill does not apply to the following situations  
3 13 described in Code section 123.47, subsection 2: an alcoholic  
3 14 beverage dispensed in a private home to a person under legal  
3 15 age with the presence and consent of the parent; an alcoholic  
3 16 beverage dispensed for medical purposes; and an alcoholic  
3 17 beverage possessed during the regular course of employment.  
3 18 LSB 2293SV 82  
3 19 jm:nh/je/5